

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.88341 of 2025

Arising Out of PS. Case No.-239 Year-2025 Thana- ADAPUR District- East Champaran

Dara Hussain S/o Late Hasim Mian Resident of Village - Kalwari Majharia,
Police Station - Adapur, District - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shakil Ahmad Khan, Advocate

For the Opposite Party/s : Mr. Ganesh Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 09-01-2026 Heard Mr. Shakil Ahmad Khan, learned counsel for
the petitioner and Mr. Ganesh Prasad Singh, learned Additional
Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Adapur P.S. Case No. 239 of 2025, F.I.R. dated 27.06.2025 for the offences punishable under Sections 126(2), 115(2), 118(1), 117(2), 109, 303(2), 352, 351(2), 351 and 3(5) of the BNS, 2023.

3. According to prosecution case, all the accused persons including this petitioner armed with deadly weapons abused the informant. On protest made by the informant, this petitioner ordered to assault the informant and his family members due to which they received injuries.

4. Learned counsel for the petitioner submits that



petitioner has clean antecedent and he has falsely been implicated in the present case. Although the petitioner is named in the F.I.R but it appears from the F.I.R that there is no specific allegation of assault or overt act attributed against the petitioner rather the only allegation against the petitioner is that he is the order giver. He further submits that there is case and counter case between the parties.

5. Learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner and submits that the occurrence took place on the order given by the petitioner and he is the main culprit in the present occurrence.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned J.M. 1st Class, Raxaul at Motihari in connection with Adapur P.S. Case No. 239 of 2025, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

- i. Petitioner shall co-operate in the trial and shall be



properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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